

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ORLANDO ARVES Y BUENAVISTA, ACCUSED-APPELLANT.

G.R. Nos. 134628-30. October 13, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In three (3) separate Informations, accused-appellant Orlando Arves was charged before the Regional Trial Court of Sta. Cruz, Laguna, Branch 28, with Rape of his own daughter, to wit:

In Criminal Case No. SC-6701

"That on or about July 27, 1997, in the municipality of Liliw, province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused Orlando Arves y Buenavista, did, then and there willfully, unlawfully and feloniously have carnal knowledge with one Nerissa V. Arves, his own daughter by means of force, violence and intimidation against the latter's will and consent, to her damage and prejudice.

CONTRARY TO LAW."[1]

In Criminal Case No. SC-6702

"That on or about July 31, 1997, in the municipality of Liliw, province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused Orlando Arves y Buenavista, did, then and there willfully, unlawfully and feloniously have carnal knowledge with one Nerissa V. Arves, his own daughter by means of force, violence and intimidation against the latter's will and consent, to her damage and prejudice.

CONTRARY TO LAW."[2]

In Criminal Case No. SC-6703

"That on or about August 27, 1997, in the municipality of Liliw, province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused Orlando Arves y Buenavista, did, then and there willfully, unlawfully and feloniously have carnal knowledge with one Nerissa V. Arves, his own daughter by means of force, violence and intimidation against the latter's will and consent, to her damage and prejudice.

CONTRARY TO LAW."[3]

Accused-appellant pleaded not guilty to each charge. The three (3) cases were jointly tried, during which the prosecution presented four (4) witnesses, including the complainant, while the defense presented two (2) witnesses, including accused-appellant. Their testimonies are summarized by the trial court, thus:

From the testimony of Complainant Nerissa Arves, the following facts and circumstances were clearly and satisfactorily established:

That she was born on September 27, 1981 at Liliw, Laguna, to Spouses REMEDIOS ARVES as mother and ORLANDO ARVES as father. She reached Grade V only as she lost interest anymore to study after being molested by her father Orlando. Since 1994, she had already been sexually abused by her father for several

times in their house in Kanlurang Bucal, Liliw, Laguna usually at noon time when she was left alone at home as her mother used to be working away from home, while her youngest brother used to be in school.

Such sexual molestation by her father continuously and persistently existed without let-up through the years 1994, 1995 and 1996.

In the year 1997, she was sexually molested by her father on three occasions specifically on July 27, July 31 and August 27.

x x x x x x x x

A very important piece of evidence that sealed the culpability of the accused-father for the three cases of rape committed on his own daughter is the corroborative testimony of DR. MARILOU CORDON, who conducted a physical examination on NERISSA ARVES at around 4:30 P.M. of September 2, 1997 at the Laguna Provincial Hospital, the findings of which were reflected in her Medical Report (Exhibit "E") and which clearly established that Nerissa has already been previously subjected to sexual abuse for several times.

x x x x x x x x

On the other hand, the accused principally interposed the defense of alibi.

The accused ORLANDO ARVES himself in gist testified that:

On July 27, 1997, between 8:00 A.M. to 5:00 P.M., he was fixing the bathroom door of his mother's house in Brgy. Laslum, Liliw, Laguna.

On July 31, 1997, he was fixing the ceiling of his brother's house in the Poblacion of Liliw.

On August 27, 1997, he was cooking "suman" for the coming fiesta at their house in Brgy. Kanlurang Bucal, Liliw, Laguna, while his six (6) children, his wife and mother-in-law were also in their house and therefore it could not have been possible for him to rape his daughter Nerissa in the presence of several persons.[4]

On May 20, 1998, the trial court rendered judgment as follows -

W H E R E F O R E

Under Criminal Case No. SC-6701, this Court finds the accused ORLANDO ARVES y BUENAVISTA GUILTY BEYOND REASONABLE DOUBT as PRINCIPAL of CONSUMMATED RAPE, defined and punished under Article 355 of the Revised Penal Code as amended by Republic Act No. 7659, otherwise known as the Death Penalty Law and hereby sentences him to suffer the SUPREME PENALTY OF DEATH and to pay the private offended party NERISSA ARVES the following sums:

P50,000.00 - as civil indemnity;
50,000.00 - as moral damages; and
50,000.00 - as exemplary damages.

Under Criminal Case No. SC-6702, this Court finds the accused ORLANDO ARVES y BUENAVISTA GUILTY BEYOND REASONABLE DOUBT as PRINCIPAL of CONSUMMATED RAPE, defined and punished under Article 355 of the Revised Penal Code as amended by Republic Act No. 7659, otherwise known as the Death Penalty Law and hereby sentences him to suffer the SUPREME PENALTY OF DEATH and to pay the private offended party NERISSA ARVES the following sums:

P50,000.00 - as civil indemnity;
50,000.00 - as moral damages; and
50,000.00 - as exemplary damages.

Under Criminal Case No. SC-6703, this Court finds the accused ORLANDO ARVES y BUENAVISTA GUILTY

BEYOND REASONABLE DOUBT as PRINCIPAL of CONSUMMATED RAPE, defined and punished under Article 355 of the Revised Penal Code as amended by Republic Act No. 7659, otherwise known as the Death Penalty Law and hereby sentences him to suffer the SUPREME PENALTY OF DEATH and to pay the private offended party NERISSA ARVES the following sums:

P50,000.00 - as civil indemnity;
50,000.00 - as moral damages; and
50,000.00 - as exemplary damages.

The accused is further ordered to pay the costs of all the instant suits.

SO ORDERED.[5]

In view of the penalty imposed, the records were elevated to this Court for automatic review pursuant to Article 47 of the Revised Penal Code, as amended, and Rule 122, Section 10 of the Rules on Criminal Procedure.

Accused-appellant seeks the reversal of his conviction on the following grounds -

I

THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THREE COUNTS OF RAPE.

II

THE COURT A QUO ERRED IN AWARDING CIVIL, MORAL AND EXEMPLARY DAMAGES TO PRIVATE COMPLAINANT.[6]

In support of his first assigned error, accused-appellant argues that no less than the victim's mother, Remedios Arves, testified that the victim is not telling the truth. Indeed, it appears that when Remedios was called by the prosecution, she suddenly made a 180-degree turn in declaring that accused-appellant did not rape their daughter. Instead, she stated the reason why her daughter filed the rape charges against her father, i.e., she was "merely cursed by her father" and she "was being sent away." [7]

However, it appears that it was Remedios who assisted her daughter Nerissa in filing the complaints for rape against her husband, Orlando Arves, on September 4, 1997. The signature of Remedios appears on Nerissa's complaints, thereby signifying her conformity therewith. [8] Remedios even executed a Sworn Statement before the Police Station in Liliw, Laguna on September 8, 1997 to support Nerissa's complaints, wherein she expressed her desire to testify against accused-appellant for what he did to their daughter, Nerissa. More particularly, she attested that -

"T:

Bakit ka naririto sa Himpilan ng Pulisya ng Liliw, Laguna?

S:

Nais ko pong tumestigo laban sa aking asawa sa ginawang panghahalay sa aking anak na si Nerissa Arves.

T:

Sino itong asawa na tinutukoy mo na naghalay sa iyong anak na si Nerissa Arves?

S:

Ito po ay si Orlando Arves y Buenavista na ama ng aking anak na si Nerissa Arves.

T:

Ilan na bang taong gulang itong iyong anak na si Nerissa Arves na tinutukoy mong ginahasa na iyong asawa?

S:

Siya po ay labing-anim (16) na taong gulang na ngayong ika-27 ng Setyembre 1997.

T:

Papaano mo nalaman na ginahasa nitong iyong asawa ang iyong anak?

S:

Ang aking pong anak ay nagsumbong po sa akin noong ika-31 ng Agosto 1997, humigit o kumulang sa ganap na ika-7:00 ng gabi.

T:

Ano naman ang iyong ginawang hakbang matapos mong malaman ang ginawang panggagahasa sa iyong anak?

S:

Isinumbong ko po ang aking asawa sa aking nanay na si Miguela Arapan at ang payo ni nanay ay ipacheck-up ko si Nerissa Arves sa doktor.

T:

Anong petsa mo dinala sa doktor para ipa check-up si Nerissa Arves?

S:

Noon pong ika-2 ng Setyembre 1997, sa Sta. Cruz Provincial Hospital, Sta. Cruz, Laguna.

T:

Ano naman ang naging resulta ng medical check-up?

S:

Ayon po sa tumingin (na) doktor ang akin pong anak ay positibong ginahasa."^[9]

On the same date, September 8, 1997, Remedios executed a Sworn Statement before the Municipal Circuit Trial Court Judge Renato B. Bercades, to wit -

"TANONG : Anong dahilan at naririto ka sa Tanggapan ng Hukom Pambayan ng Magdalena, Laguna?

SAGOT :

Nais ko pong magbigay ng isang salaysay tungkol sa hablang isinampa naming mag-ina laban sa asawa ko na si Orlando Arves sa salang panggagahasa.

T:

Sino ang ginahasa ng iyong asawa?

S:

Si NERISSA V. ARVES po na siyang nagsampa ng demanda sa kanyang ama.

T:

Kailan at saan nangyari ang panggagahasa?

S:

Hindi ko po alam basta nagsumbong lang sa akin ang aking anak noong ika-31 ng Agosto, 1997 humigit kumulang na ika-7 ng gabi, habang kami ay kumakain ng hapunan.

T:

Ano ang naging reaksiyon mo ng magsumbong sa iyo ang anak mo?

S:

Nagalit po ako sa aking asawa.

T:

Nasaan ba ang iyong asawa ng magsumbong sa iyo ang iyong anak?

S:

Nasa salas po habang kami ng aking mga anak ay kumakain ng hapunan sa kusina.

T:

Narinig ba ng asawa mo ng magsumbong ang anak mo sa iyo?

S:

Hindi po dahil pabulong po niya itong sinabi sa akin.

T:

Anong ginawa mo matapos na magsumbong sa iyo anak mo?

S:

Minura ko po ang asawa ko, subalit tumanggi po siya.

T:

Ano pa ang sumunod mong ginawa?

S:

Dinala ko po ang aking anak na si Nerissa sa aking ina hindi naman po kalayuan ang bahay sa amin at humingi po ako ng payo at sinabi po niya sa akin na ipakulong ko ang aking asawa.

T:

Ilang taon na ba ang iyong anak na si Nerissa?

S:

16 taong gulang po.

T:

Ilan ba ang iyong anak na babae?

S:

2 po.

T:

Ang sabi mo ba wala kang hanapbuhay bakit hindi mo alam ang buong pangyayari?

S:

Sa dahilang sumasaka po upang manggulangay.

T:

Nag-aaral pa ba ang iyong anak?

S:

Hindi na po tumigil po siya kaya siya po ang malimit na maiwan sa bahay.

T:

Nasaan ba ang iyong asawa?

S:

Nakakulong na po.

T:

Totoo bang lahat ang salaysay mong ito at handa mong lagdaan ito?

S:

Opo.

T:

Ilan beses daw bang ginalaw ng asawa mo ang iyong anak?

S:

Wala po siyang sinabi sa akin kung ilan beses siyang ginalaw."^[10]

Consistent with her desire to support Nerissa in her complaints against accused-appellant, Remedios signified her conformity to have Nerissa medically examined.^[11]

In light of all the foregoing, we cannot help but doubt the credibility of Remedios' sudden turn-about by now testifying that accused-appellant did not rape Nerissa but that the latter filed the rape charges merely because accused-appellant cursed her and tried to send her away.

The records show that at the onset, fired by emotion and outraged with the beastly crime committed by her husband against their own child, Remedios lost no time in seeking legal relief and justice for her daughter. This was bolstered by the advice she gave to her own daughter to send her father to jail for such dastardly act. Thus, she readily accompanied Nerissa to the police station and to the city court, before which she voluntarily and candidly gave her statements^[12] as quoted above. Remedios also agreed to have her daughter examined by doctors to determine if she had, indeed, been raped.

When Remedios appeared before the trial court and reneged on her earlier declarations, five (5) months had since

lapsed from the time of the filing of the rape charges. Surely, in those crucial five (5) months, Remedios had time to reflect on the consequences of the complaints against her husband: emotionally, psychologically and most important of all, financially.

Sadly, this is true of many mothers in our midst. A number of them can not even muster the courage to aid their own daughters in the filing of rape charges against their husbands. It is not unheard of that some mothers actually choose to suffer with their daughters in silence than to risk the embarrassment of public trial and, for those in the marginalized sector, to risk losing their means of support when their breadwinner husband goes to jail or suffers the death penalty. The workings of a mother-wife's mind is complicated and we cannot even pass judgment on those mothers who fail to bring their beastly husbands to justice or who, like Remedios, retract their early support of their daughter-victims.

But, even if we disregard Remedios' testimony, we still have the straightforward and credible testimony of Nerissa narrating the acts of rape committed against her by accused-appellant. It bears stressing here that Nerissa was only sixteen (16) years old when she lodged the complaints against her father. It has been held that no woman, especially one of tender age, would contrive a complaint for rape, allow a gynecological examination and permit herself to be subjected to a public trial if she is not motivated solely by a desire to have the culprit apprehended and punished. In fact, the prevailing rule is that the testimonies of rape victims who are young and immature deserve full credence. No young girl would expose herself to humiliation and public scandal unless she is impelled by a strong desire to seek justice.[13]

In the cases at bar, Nerissa categorically testified during trial that she was raped by her own father, accused-appellant Orlando Arves, since she was twelve years old. Excerpts of her testimony in this regard are herein reproduced, to wit --

Q:

Why do you remember July 27, 1997 as the date when you were again molested by your father?

A:

I really remember that date because I have already a plan to complain to my mother.

Q:

Tell us what happened on July 27, 1997?

A:

I was then watching a TV program, I fell asleep and I was awakened when I felt my father "kinukulit" me.

Q:

Can you remember what time was that?

A:

I don't remember the exact time, sir.

COURT:

Q:

Was it in the morning, at noon or in the evening?

A:

It was noon time, Your Honor.

TRIAL PROSECUTOR:

Q:

What happened when you were awakened because your father was touching your body at that time?

A:

He took me to the room where he removed my short pants and thereafter he raped me again.

Q:

Did he kiss you?

A:

Yes, sir.

Q:

In what particular part of your body?

A:

(Witness pointing to her neck).

Q:

Aside from your neck, what other part of your body?

A:

Only on the neck, sir.

Q:

In your lips?

A:

No, sir.

Q:

In your breast?

A:

No, sir.

Q:

Was he able to insert his penis?

A:

Yes, sir.

Q:

For how long did he insert his penis?

A:

For quite a time, sir.

Q:

For how long?

A:

I don't remember the length of time anymore, sir.

Q:

Did he make any body movement while his penis was inside your vagina?

A:

Yes, sir.

Q:

What kind of body movement?

A:

I was lying down (witness demonstrating the manner), my father was on top of me and his body was moving (witness demonstrating an upward and downward movement).

Q:

Do you know if he reached his climax on that particular occasion?

A:

Yes, sir.

Q:

How did you come to know?

A:

Because something whitish came out of his body.

COURT:

Q:

By the way, when the penis of your father was inserted into your vagina what do you feel?

A:

I was tickled (nakiliti), sir.

Q:

Did you not feel any pain?

A:

At first I felt the pain but in 1997 I no longer feel it.

Q:

When for the first time were you raped by your father?

A:

In 1994, Your Honor.

Q:

When you were first raped by your father in 1994, what did you feel?

A:

Painful, Your Honor.

Q:

During that first time that you were raped by your father, was he able to insert his penis into your vagina?

A:

Yes, Your Honor.

Q:

Did it not take hard for your father to insert his penis into your vagina?

A:

He had a hard time in doing so because in 1994 I still felt the pain and I was struggling.

TRIAL PROSECUTOR:

Q:

On July 27, 1997, how did you come to know that he reached his climax?

A:

Because whitish substance came out from his penis, sir.

Q:

Were you able to actually see that whitish substance from his penis?

A:

Yes, sir.

Q:

Why, was his penis outside your vagina at that time?

A:

Yes, sir.[14]

Nerissa continued to narrate the rape committed by her on July 31, 1997, to wit --

Q:

After that July 27 incident was there any other occasion when your father sexually molested you?

A:

A: I was again molested on July 31 and August 27, sir.

Q:

Q: Where were you molested on July 31?

A:

A: Also in our house, sir.

TRIAL PROSECUTOR:

Q:

Q: Where in particular place in your house?

A:

A: In the kitchen, sir.

Q:

Q: More or less what time of the day?

A:

A: I was cooking lunch, sir.

Q:

Q: While you were cooking lunch, what happened?

A:

A: While cooking lunch my father approached me and kissed me in the neck, and brought me in the room.

Q:

Q: What did he do to you in the room?

A:

A: He removed my short pants and laid himself on top of me, sir.

Q:

Q: Did he insert his penis?

A:

A: Yes, sir.

Q:

Q: What happened after inserting his penis inside your vagina?

A:

A: A white substance came out of his penis again.

Q:

Q: How about you?

A:

The same, sir.

COURT:

Q:

Q: And you are referring to your house in Magdalena?

A:

Yes, Your Honor, Magdalena Compound, Kanlurang Bucal, Liliw, Laguna.

TRIAL PROSECUTOR:

Q:

Q: And who were present in your house on July 31?

A:

I was alone in the house, sir.

Q:

Q: Where was your mother?

A:

Still working, sir.

Q:

Q: How about your brothers and sister?

A:

They were in the school, sir.[15]

And on August 27 --

TRIAL PROSECUTOR:

Q:

On August 27, 1997, do you recall of any incident that happened?

WITNESS:

A:

It was on that occasion when my mother and I were sleeping in our living room, I felt a call of nature and I went to the comfort room and my father followed me.

TRIAL PROSECUTOR:

Q:

What time of the day was that?

A:

Noon time, sir.

Q:

May we know why your mother was there at that time?

A:

She rested to sleep on that day, sir.

Q:

What happened when you were already inside the comfort room?

A:

She kissed me and took me again inside the room.

Q:

How about your mother, where was she at the time your father was in the room?

A:

My mother has gone out of the house, sir.

Q:

Was your father able to insert his penis inside your vagina?

A:

Yes, sir.[16]

The trial court characterized the testimony of Nerissa as reflective of the truth as it was given in a clear, straightforward and convincing manner.

After a thorough review of the records, we fail to discern any material contradiction in the assertion of Nerissa that she was raped on separate occasions by accused-appellant. As noted by the trial court, Nerissa did not waver in her testimony even under the rigorous cross-examination by the defense counsel. Hence, there is no cogent reason to deviate from the time-honored legal principle that when the issue is one of credibility of witnesses, appellate courts will not disturb the findings of the trial court. The trial judge is in the best position to detect that sometimes thin line between fact and prevarication that will determine the guilt or innocence of the accused. That line may not be discernible from a mere reading of the impersonal record by the reviewing court. The record will not reveal those tell-tale signs that will affirm the truth or expose the contrivance, like the angry flush of an insisted assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer or the forthright tone of a ready reply. The record will not show if the eyes have darted in evasion or looked down in confession or gazed steadily with a serenity that has nothing to distort or conceal. The records will not show if tears were shed in anger, or in shame, or in remembered pain, or in feigned innocence. Only the judge trying the

case can see all these and on the basis of his observations arrive at an informed and reasoned verdict.[17]

We thus affirm the trial court's finding of guilt on the part of accused-appellant of the three charges of rape. However, the imposition of the death penalty upon the accused-appellant must be modified.

Although the propriety of imposition of the death penalty has not been raised by accused-appellant, nonetheless, an appeal in criminal cases opens the entire case for review and it becomes the duty of the appellate court to correct any error, as may be found in the appealed judgment, whether assigned as an error or not.[18]

Here, it is readily apparent that the Informations charging accused-appellant with rape failed to allege the minority of the rape victim Nerissa. Thus, he cannot be convicted of qualified rape and sentenced to death, consistent with the Court's ruling in *People v. Ramos*,[19] holding that both the age of the victim and her relationship with the offender must be clearly alleged in the Information. We have said that it is the concurrence of the minority of the victim and her relationship with the offender that would qualify the rape as heinous and thus justify the imposition of the supreme penalty.[20] This doctrine is not a mere technicality; it rests on the constitutional principle that the accused are entitled to be informed of the nature and cause of the accusations against them, as stated in the Information to which they are asked to plead prior to trial. In other words, the accused in the present case can be convicted only of the crime alleged in the Information and duly proven during the trial.

In sum, accused-appellant can be held guilty of simple rape only, which was the crime charged in the Informations and proven during trial. The additional allegation that the offender is a parent of the offended party can only be deemed a generic aggravating circumstance. The failure of the prosecution to allege the age of the victim has effectively removed the crime from the ambit of Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act No. 7659, which prescribes the death penalty "when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim".[21]

A similar reduction of penalty from death to reclusion perpetua was observed in the cases of *People v. Tabion*,[22] *People v. Acala*[23] and *People v. Bayya*,[24] where the fact of minority of the victim was also omitted in the respective Informations.

Pursuant to the second paragraph of Article 335, accused-appellant should be sentenced to reclusion perpetua for each count of rape.

Finally, we uphold the trial court's award of civil indemnity as well as moral and exemplary damages of P50,000.00 each, respectively, in each of the three criminal cases. Civil indemnity is automatically awarded in rape cases and current jurisprudence fixes it at P50,000.00. Moral damages are imposed in rape cases involving young girls between thirteen and nineteen years of age, taking into account the immeasurable havoc wrought on their youthful feminine psyche.[25] It may be awarded without the need for pleading or proof of the basis thereof.[26] Exemplary damages may also be awarded in criminal cases as part of the civil liability if the crime was committed with one or more aggravating circumstances.[27] Accused-appellant being the father of Nerissa, relationship should be appreciated as an aggravating circumstance under Article 15 of the Revised Penal Code.[28]

WHEREFORE, the decision of the Regional Trial Court of Santa Cruz, Laguna, Branch 28 in Criminal Cases Nos. SC-6701-6703 is hereby AFFIRMED with the MODIFICATION that instead of the penalty of DEATH imposed against accused-appellant, he is sentenced to suffer the penalty of RECLUSION PERPETUA in each of the three criminal cases.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and De Leon, Jr., JJ., concur.

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- [1] Record, Criminal Case No. SC-6701, p. 2.
- [2] Record, Criminal Case No. SC-6702, p. 1.
- [3] Record, Criminal Case No. SC-6703, p. 1.
- [4] Decision, Criminal Cases Nos. SC-6701-6703, pp. 3, 8 and 10; Record, Criminal Case No. SC-6701, pp. 78, 83 and 85.
- [5] Id., at pp. 15-16; Record, Criminal Case No. SC-6701, pp. 90-91.
- [6] Brief for the Accused-Appellant, p. 1; Rollo, p. 42.
- [7] See TSN, 3 February 1998, pp. 2-3.
- [8] Record, Criminal Case No. SC-6701, p. 7.
- [9] Exhibit "G"; Record, Criminal Case No. SC-6701, p. 19.
- [10] Record, Criminal Case No. SC-6701, p. 22.
- [11] See Exhibit "B"; Record, Criminal Case No. SC-6701, p. 8.
- [12] See TSN, 3 February 1998, pp. 6-7.
- [13] People v. Balacano, G.R. No. 127156, 31 July 2000, citing People v. Antipona, 274 SCRA 328, 335 (1997); People v. Gagto, 253 SCRA 455 (1996); People v. Abordo, 258 SCRA 571 (1996); People v. Galimba, 253 SCRA 722, 728 (1996); and People v. Andres, 253 SCRA 751, 757 (1996).
- [14] TSN, 8 January 1998, pp. 9-12.
- [15] TSN, 8 January 1998, pp. 12-14.
- [16] Id., at pp. 14-15.
- [17] People v. Alcartado, G.R. No. 132379-82, 29 June 2000, citing People v. Llaguno, 285 SCRA 124, 135 (1998) and People v. De Guzman, 188 SCRA 407, 410-411 (1990).
- [18] People v. Balacano, supra, citing People v. Reñola, 308 SCRA 145 (1999) and People v. Medina, 300 SCRA 98 (1998).

[19] 296 SCRA 559 [1998].

- [20] See People v. Tabion, G.R. No. 132715, 20 October 1999.
- [21] See People v. Bayya, G.R. No. 127845, 10 March 2000.
- [22] Id.
- [23] G.R. Nos. 127023-25, 307 SCRA 330 [1999].
- [24] Supra.

[25] People v. Erese, 281 SCRA 316, 329 [1997].

[26] People v. Prades, G.R. No. 127569, 293 SCRA 411 [1998].

[27] People v. Estares, 282 SCRA 524, 535 [1997].

[28] People v. Paranzo, G.R. No. 107800, 26 October 1999.

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